

**In the United States District Court
For the Southern District of Georgia
Waycross Division**

RICKY JEFF,

Plaintiff,

v.

WARDEN COLEMAN,

Defendant.

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CIVIL ACTION NO.: 5:20-cv-106

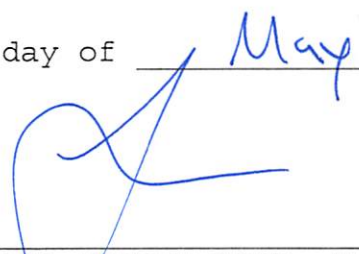
ORDER

This matter is before the Court on Plaintiff's Objections to the Magistrate Judge's Report and Recommendation. Dkt. No. 10. In his April 6, 2021 Report and Recommendation, the Magistrate Judge recommended the Court dismiss Plaintiff's Complaint in its entirety because Plaintiff did not allege Warden Coleman was aware of a substantial risk of serious harm prior to another inmate stabbing Plaintiff. Dkt. No. 7. The Court construes Plaintiff's Objections as first arguing Plaintiff has continued exhausting his administrative remedies. Dkt. No. 10, p. 1. Second, Plaintiff argues Defendant wrongly believes the stabbing never occurred. Id. Plaintiff directs the Court to review the video footage of the incident and his medical records. Id. Plaintiff has also submitted bandages used on his stab wounds. Id. at pp. 3-4.

However, the Magistrate Judge did not recommend dismissal of Plaintiff's Complaint because he concluded Plaintiff did not exhaust his administrative remedies or the incident did not occur. Instead, he recommended dismissal because Plaintiff failed to state a plausible failure to protect claim under the Eighth Amendment. Dkt. No. 7. Plaintiff has still not alleged Warden Coleman was aware of a substantial risk of serious harm to Plaintiff. Thus, he has not alleged a plausible Eighth Amendment violation. Marbury v. Warden, 936 F.3d 1227, 1233 (11th Cir. 2019).

After an independent and de novo review of the entire record, the Court **CONCURS** with the Magistrate Judge's Report and Recommendation, **ADOPTS** the Report and Recommendation as the opinion of the Court, and **OVERRULES** Plaintiff's Objections. The Court **DISMISSES** Plaintiff's Complaint in its entirety, **DIRECTS** the Clerk of Court to **CLOSE** this case and enter the appropriate judgment of dismissal, and **DENIES** Plaintiff leave to proceed *in forma pauperis* on appeal.

SO ORDERED, this 3 day of May, 2021.



HON. LISA GODBEY WOOD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA